

What is Supported Decision Making?

Supported decision making is an alternative to guardianship through which people use friends, family members and professionals to help them understand situations and choices they face, so they may make their own decisions without the “need” for guardianship. It is an emerging approach to providing decision-making assistance without imposing any long-term legal limitations on rights or personal liberties. (Blanck & Martinis, 2015)

Any person in Wisconsin over the age of 18 is legally an adult and is presumed to be able to manage his or her own finances, choose where to live, consent to medical treatment, vote, make contracts, marry, and exercise his or her own legal rights as an adult. This presumption does not change because a person has a disability.

When a person is unable to do some or all of these, some form of supported decision making is needed. It is important that families start this conversation early and learn about the full range of options. While guardianship is the most widely used legal tool, there is a growing use of less-restrictive options to support the ability of young adults to have control over their own lives, allowing them to determine their own future as an adult.

Decision-Making: A Skill that Requires Practice and Experience¹

Decision-making is a learned skill. If we allow children to choose what they wear, eat or want to do for fun we encourage their independence, their self-confidence and their ability to make decisions. At times, all people make mistakes in decision making, and these mistakes usually help them make better decisions in the future. If youth with disabilities are not given the opportunity to make choices and make mistakes they are less likely to develop these skills and may not believe they are capable of decision making as adults.

As your family considers your young adult’s abilities to make his or her own decisions you should think about:

- What do you worry about as you consider your child’s future? Is guardianship necessary or would a less restrictive option do?
- Does your child have skills and strengths in some areas of decision-making, but not in others? For example, he or she can decide which classes to take but not is not able to make financial decisions.
- Would support from friends, family, professionals or technology be enough to assist your young person with decisions?
- How important is the decision your child needs to make, and what are the consequences of a wrong decision?

¹Got Transition fact sheet – gottransition.org/resourceGet.cfm?id=17

Legal Tools to Support Decision Making

Release of Information is one option for supporting someone with a disability is to work with health care providers, banks and schools to have your adult child sign a release of information form. This will allow a parent, family member or guardian to talk with providers, schools and financial institutions and assist with making decisions. **No attorney is needed.**

Power of Attorney for Finance (POA-F) is a document that authorizes another person, **the agent**, to handle all the financial affairs of the individual, **the principal**. Families can use a standard state form (see resources below) to complete a POA-F. An attorney may not be needed.

Power of Attorney for Health Care (POA-HC) authorizes the agent to make health care decisions for the principal, consistent with the terms of the document and based on the wishes of the principal. Families can use a standard state form (see resources below) to complete a POA-HC. An attorney may not be needed.

Supported Decision Making (SDM) Agreement is a new legal tool in Wisconsin that allows a person to formally designate the people they want supporting them and gives these supporters a seat at the table when decisions are being made. SDM allows the person to consult with these supporters when, and if, it's necessary. Families can complete a standard form (see resources below). An attorney may not be needed.

Guardianship is a legal process in which a court decides if a person lacks **capacity** to make decisions for him or herself, and there are no less-restrictive alternatives. In Wisconsin there is an option for **Full Guardianship** or **Partial (limited) Guardianship**. Once this has been established, the guardian has custody and control over all decisions made for the **ward**. While it is possible to complete the guardianship process without legal representation, most families work with an attorney. The [Wisconsin Guardianship Support Center \(GSC\)](#) can provide a list of attorneys who are familiar with these different legal options. There may also be some options for low-cost legal assistance for those who cannot afford to hire an attorney.

Additional Resources

- ◆ National Resource Center for Supported Decision Making: supporteddecisionmaking.org
- ◆ Supported Decision Making booklet: wi-bpdd.org/index.php/SupportedDecision-Making/
- ◆ Supported Decision Making Agreement Form: dhs.wisconsin.gov/library/f-02377.htm
- ◆ Wisconsin Guardianship Support Center: 855.409.9410 or gwaar.org/guardianship-resources
- ◆ Advance Directives State of WI Forms: dhs.wisconsin.gov/forms/advdirectives/index.htm